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Nazir Hamid

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NAZIR HAMID,

Plaintiff,

vs.

METROPOLITAN LIFE INSURANCE
COMPANY; BANK OF AMERICA GROUP
BENEFITS PROGRAM,

Defendants.

Case No. 3:20-cv-01601-VC

(Honorable Vince Chhabria)

JOINT STIPULATION AND
~~**PROPOSED**~~ **ORDER TO CONTINUE**
BRIEFING SCHEDULE AND
HEARING ON MOTION FOR
JUDGMENT AS AMENDED

Plaintiff Nazir Hamid (“Plaintiff”) and Defendant Metropolitan Life Insurance Company (“MetLife”) and Bank of America Group Benefits Program (collectively, “Defendants”), by and through their undersigned counsel of record, hereby stipulate, subject to Court approval, to continue the briefing schedule and hearing dates for Motion for Judgment in this action, as requested below, for the following reasons:

1 1. Whereas this is an action for benefits brought under the Employee Retirement
2 Income Security Act of 1974 (“ERISA”). On August 14, 2020, the Parties engaged in a full-day
3 private mediation through JAMS and the case did not settle.

4 2. Whereas the Parties have continued to negotiate through the mediator and believe
5 that a resolution may be likely if the Parties had more time to devote to settlement discussions
6 rather than incurring attorneys’ fees preparing their respective motions for judgment.

7 3. Whereas Plaintiff’s Opening Brief is currently scheduled to be filed by October 8,
8 2020. Defendant’s Opening/Opposition Brief is currently scheduled to be filed by October 22,
9 2020. Plaintiff’s Opposition/Reply Brief is scheduled to be filed by November 19, 2020. The
10 hearing on Cross-Motions for Judgment is currently set for December 10, 2020. [Dkt. No. 25].

11 4. Whereas the Parties believe that any settlement in principle will be reached, any
12 notice of settlement will be filed, within two weeks and seek an extension on the current schedule
13 as follows:

14 Plaintiff’s opening brief due: 10/22/2020

15 Defendant’s opening/opposition brief due: 11/5/2020

16 Plaintiff’s opposition/reply brief due: 11/19/2020

17 Defendant’s reply brief due: 12/3/2020

18 Bench trial/hearing: 1/7/2020 at 10:00 a.m., or as soon thereafter as the Court is available.

19 5. Now, therefore, for good cause showing, the parties request the briefing schedule
20 and the hearing on the Motion for Judgment be continued as follows:

21 Plaintiff’s opening brief due: 10/22/2020

22 Defendant’s opening/opposition brief due: 11/5/2020

23 Plaintiff’s opposition/reply brief due: 11/19/2020

24 Defendant’s reply brief due: 12/3/2020

25 Bench trial/hearing: 1/7/2021 at 10:00 a.m., or as soon thereafter as the Court is available.

26 6. Whereas, the parties have not previously requested a trial continuance.
27
28

DATED: September 18, 2020

HINSHAW & CULBERTSON LLP

By: /s/ Robert E. Hess

ROBERT E. HESS

Attorneys for Defendants

Metropolitan Life Insurance Company and
Bank of America Group Benefits Program

DATED: September 18, 2020

KANTOR & KANTOR LLP

By: /s/ Michelle L. Roberts

MICHELLE L. ROBERTS

Attorneys for Plaintiff Nazir Hamid

Filer's Attestation: Pursuant to Local Rule 5-1(i)(3) regarding signatures, Michelle Roberts hereby attests that concurrence in the filing of this document and its content has been obtained by all signatories listed.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

The Court adopts the following dates for the briefing schedule and hearing on the Motion for Judgment:

Plaintiff's opening brief due: 10/22/2020

Defendant's opening/opposition brief due: 11/5/2020

Plaintiff's opposition/reply brief due: 11/19/2020

Defendant's reply brief due: 12/3/2020

Bench trial/hearing: ~~1/7/2021 at 10:00 a.m.~~ **January 21, 2021 at 10 a.m.**

Dated: September 22, 2020

United States
Hon. Judge Vince Chhabria

